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COMMISSION ON HUMAN RIGHTS

Fifty-fourth session

SUMMARY RECORD OF THE 53rd MEETING

Held at the Palais des Nations, Geneva,
on Monday 20 April 1998, at 10 a.m.

Chairman:	Mr. SELEBI	(South Africa)
later:	Mr. CHOWDHURY (Vice Chairman)	(Bangladesh)

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The meeting was called to order at 10 a.m.

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(agenda item 20) (continued); (E/CN.4/1998/99, 100, 101 and Adds.1 and 2, 102, 103, and 119; E/CN.4/1998/NGO/2 and 38; CRC/C/66 and 69)

1. Mr. SHOAIB (International Peace Bureau) said that, while it was gratifying to note that a number of countries had taken effective measures and developed strategic policies to prevent the sale of children, child pornography and child prostitution, his organization was gravely concerned about the plight of children in India, where many children had been coerced into prostitution and where the practices of bonded and child labour continued to be widespread. Children were also suffering in the conflict areas of India, notably in Jammu and Kashmir. Independent monitoring groups had reported torture, arbitrary arrest and detention, molestation and rapes, not to mention the psychological trauma of the loss of parents in the conflict.

2. Ms. MEIJER (International Association for the Defence of Religious Liberty) said that thousands of children had been forced into prostitution in Thailand, the Philippines, Sri Lanka and India. Many children were trafficked from Nepal to India and there had been little effort on the part of either Government to punish those responsible. National information campaigns should be conducted in all those countries to warn families and young people about the horrors of child prostitution and the deceptions used to entice young people to leave home. Improved information sharing between law-enforcement agencies in countries sending and receiving tourists could help to monitor individuals with previous convictions for sex offences attempting to travel abroad. Governments should also re-examine the sentencing of child molesters and, upon the second conviction for a sex offence against a child, a mandatory life sentence should be imposed.

3. There were an estimated 100 million street children in the world. In countries such as Brazil and Guatemala, street children were regarded as vermin and murdered. That barbaric practice remained largely unchallenged by the law-enforcement services and the military police were implicated in a large number of such cases in Brazil. Governments must deal more severely with those who harmed street children and ensure that all crimes against them

were investigated thoroughly and that compensation due to their families was actually paid, while the Commission should appoint a special rapporteur on street children.

4. Ms. MACIAS (Federación de Asociaciones de Defensa y Promoción de los Derechos Humanos) said that the draft optional protocol to the Convention on the Rights of the Child should establish the broadest possible protection and be as specific as possible in defining the obligations of States in the area of the sale of children, child prostitution and child pornography. Such activities must be stigmatized as criminal, and included in the penal code with appropriate penalties, whether or not there was consent by the child. Mandatory jurisdiction and extradition must also be established.

5. The mandate of the working group should be extended to allow it to elaborate a procedure for monitoring compliance with the protocol, whereby the Committee on the Rights of the Child would be competent to examine communications from States parties concerning violations by another State of its obligations under the protocol and communications from alleged victims or their representatives.

6. Ms. INAYATULLAH (Family Planning Association of Pakistan) said she wished to draw the attention of the Commission to the myriad forms of abuse suffered by the children of Jammu and Kashmir at the hands of the Indian occupying forces, in violation of many articles of the Convention on the Rights of the Child, and urged it to call upon the Government of India to comply with the provisions of the Convention requiring the protection and care of children affected by armed conflict. It should provide rehabilitation programmes for victims of psycho-traumatic stress, special support for girls who had been victims of sexual violence and protection and care for disabled and orphaned children, establish "zones of peace" in which children could be provided with essential services and prepare a database on crimes against children through the International Committee of the Red Cross (ICRC).

7. Ms. GILLANI (World Muslim Congress) said that children were the most vulnerable segment of society in situations of armed conflict and suffered both as victims and survivors. The tragedy of the child was repeated, whether in Cambodia, Bosnia, Rwanda, Indian-occupied Jammu and Kashmir, Palestine or Somalia. In long-standing armed conflicts, a whole generation of children had grown up under the shadow of a gun. The primary responsibility for securing the rights of the child lay with the Commission, and the international community must act without any regard for political considerations to end crimes against children, as all children were equal victims of the crimes of violence.

8. Ms. RANDHAWA (Human Rights Advocates, Inc.) said that child trafficking had reached epidemic proportions. Over one million women and children were trafficked into prostitution each year, and sex tourism yielded an annual revenue of $5 billion. A common cause of child trafficking was the lack of economic resources and long-term economic development plans were needed to provide a lasting remedy. Meanwhile, inadequate enforcement, ranging from active involvement by police and government officials to assigning a low priority to the investigation of the traffic, was another common problem.

9. The adoption of an optional protocol to the Convention on the Rights of the Child would provide redress for individual complaints from victims and allow supervision of the States parties' implementation of anti-trafficking provisions. Pending the adoption of the draft protocol, the Commission should encourage coordination of the existing monitoring mechanisms and individual complaints should be channelled directly to the Special Rapporteur on violence against women and the Special Rapporteur on the sale of children, child prostitution and child pornography.

10. Mr. OTUNNU (Special Representative of the Secretary-General on the impact of armed conflict on children), introducing his interim report (E/CN.4/1998/119), said that what the international community was currently witnessing in the context of armed conflict was qualitatively new: a massive and purposeful targeting of the civilian population in all of the 30 or so major conflicts currently existing around the world. The United Nations had worked hard to elaborate an impressive body of instruments to protect the civilian population, but there was no relationship between those instruments and the situation on the ground. Moreover, in every single society in conflict, a local value system or ethical order had been undermined, leaving a moral vacuum. No theatre of conflict was isolated from the rest of the world, however, and all of them depended in some degree on the other members of the international community. There were thus pressure points that could be used to raise the political price of actions against the most vulnerable members of society.

11. Part of his major concern was the difficulty of conveying a complete and true picture of the magnitude of what was happening and of revealing the suffering of children in theatres of conflict that did not attract the attention of the international media. It was essential that the entire international community - Governments and civil society alike - make it its business to keep in its sights the full and complete picture of their suffering and act to remedy the situation.

12. He appealed to all those working on the draft optional protocol on the involvement of children in armed conflicts to achieve an early consensus so that the age-limit for recruitment for participation in warfare could be raised to 18 years of age. He also hoped that it would be possible, in the context of the future international criminal court, to declare that the recruitment for and participation in armed conflicts of children under the age of 15 constituted a war crime. It was necessary, however, to do more than elaborate standards and adopt conventions. There must be a determination at the level of both Governments and non-governmental organizations (NGOs) to translate words and resolutions into a practical impact on the ground that could make all the difference for children suffering in theatres of conflict.

13. Mr. BICUDO (Brazil) said that one of the questions which the Human Rights Commission of his country's Chamber of Deputies and the Parliamentary Front for the Rights of the Child were studying was that of establishing legal guarantees for the provision of food to children up to the age of seven years. The Parliamentary Front was also devoting increasing attention to child and adolescent labour. The Brazilian Constitution prohibited children from working under the age of 14 years and made night work, dangerous work and work that was harmful to health illegal for young people up to the age of 18 years.

14. Nevertheless, poverty forced some three million children and adolescents to undertake paid work to support themselves and their families. Most of them worked in the agricultural sector and in raw materials extraction, often informally and to help their parents. They also worked in small businesses and the service sector, and in some parts of industry. His Government was making an attempt to eradicate child labour, especially those forms which were most harmful to a child's development, on the basis of a strategy for creating economic alternatives for the children and their families.

15. The fact that child labour in the developing countries was due to poverty meant that it could not simply be eradicated by prohibition. Any attempts to do so would probably be ineffective and might well create even more serious social problems such as an increase in prostitution and the involvement of children in criminal activities. His Government's policy had already produced encouraging results: it involved guaranteeing a minimum allowance to families which undertook to withdraw their children from work and send them to school. Children had already been withdrawn in that way from coal mining and sugar-cane harvesting, and the programme was being extended to other agricultural activities. There was also an innovative programme involving school maintenance allowances to enable the poorest families to send their children to school rather than out to work or to beg in the streets.

16. He wished to draw the Commission's attention to the exploitation of child labour in advertising and the media. It was a recent phenomenon which affected children from both the developed and developing countries, often middle-class children. The Committee on the Rights of the Child should consider the matter because such employment, which seemed innocent enough, involved risks for the development of a child's personality and might be prejudicial to his or her health. One had only to think of the many hours that were required to shoot a television or cinema advertisement, and of the difficulty of fitting in normal schooling around the activities of a television studio.

17. Ms. JEŘÁBKOVÁ (Czech Republic) said it was regrettable that the international community has so far been unable to set a higher age limit for the protection under the Convention on the Rights of the Child of children taking part in armed conflict than 15. It was estimated that 250,000 children below the age of 18 were participating in more than 30 armed conflicts throughout the world and that children accounted for 40 per cent of all the victims of armed conflicts. Experience of armed conflict undoubtedly had a lasting impact on a child, whose physical and psychological wounds could never be fully healed.

18. It was thus most regrettable that, after four sessions, the working group on a draft optional protocol on the involvement of children in armed conflicts had failed to reach a consensus on the text and, in particular, on the crucial issue of the age limit for participation in armed conflicts. Any decision to set that limit below the age of 18 would discredit the efforts of the Commission and of the United Nations to protect the rights of the child effectively and her delegation appealed to those few Governments having difficulties with the text of the draft protocol to review their positions and, if possible, change their attitudes. International standards must be

taken as a model for the adjustment of domestic law and practice; adjusting international standards to the domestic law of any State was unacceptable.

19. Her delegation hoped that the text of the draft optional protocol would be approved during the Commission's fifty-fifth session, which would coincide with the tenth anniversary of the adoption of the Convention on the Rights of the Child.

20. Mr. HASSAN (Pakistan) said that his country had established a National Commission for Child Welfare and Development to implement the provisions of the Convention on the Rights of the Child and a District Based Monitoring System to ensure effective coordination of government policy initiatives and to base them on relevant data.

21. In the area of juvenile justice, Pakistan was concentrating on promoting the rehabilitation of juvenile offenders: every prison had a separate section for juvenile delinquents and a database was being created on children in detention. The National Commission was providing training for the judiciary and prison authorities and NGOs active in the area were encouraged to visit prisons to ensure that the highest standards were maintained.

22. There was no discrimination in the Pakistani Constitution between adults and children and no discrimination against children according to religion, language, economic status or disability status. Pakistani laws recognized the principle of upholding the child's best interests.

23. In the field of health and welfare, his Government had launched a number of programmes, including the Expanded Programme of Immunization, Control of Diarrhoeal Diseases, Training of Lady Health Workers and Traditional Birth Attendants. There were 49 special education centres at federal level, and the law established quotas for disabled persons in all organizations employing more than 100 people. The Prime Minister was President of the National Trust for the Disabled.

24. His Government was committed to the elimination of child labour by the year 2010. A survey had revealed that 3.3 million out of the 40 million children in Pakistan under the age of 15 were economically active, the vast majority in the agricultural sector. Adequate laws governing child labour existed which were in conformity with the voluntarily accepted obligations of the Convention on the Rights of the Child and ILO standards, and important advances had been made in their implementation: 35,000 inspections were carried out in the two years up to January 1997, resulting in more than 6,000 prosecutions and more than 1,300 convictions.

25. The major, perhaps the only, reason for the prevalence of the problem in many countries such as Pakistan was the existence of grinding poverty, and national efforts would yield limited results so long as the international environment was not conducive to the realization of the right to development. The commitment to protecting the rights of the child should find expression in support for fair and open trade, with special and preferential treatment for developing countries, prevention of the use of social goals for protectionist purposes, achievement of the targets for official development assistance (CODA) and debt relief, wider and easier access to advanced and relevant

technology to promote development, and the adoption of coherent global macroeconomic policies which did not marginalize the developing countries.

26. Mr. ARACHCHI (Sri Lanka) said that his Government provided children with free and compulsory education and free preventive health care and Sri Lankan infant, child and maternal mortality rates were among the lowest in the developing countries. Throughout the world, however, paucity of resources, conflict and terrorism were major obstacles impeding the realization of the rights of the child, and international cooperation was required to overcome them.

27. His delegation much appreciated the report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/1998/101) whose recommendations were most timely: the incidence of tourism-related child prostitution in Sri Lanka had been causing great concern to his Government and to the general public. Public information and awareness programmes had been implemented, and NGOs had contributed by identifying and assessing the problem and sensitizing the public to it. Legislation had recently been enacted to tighten the existing laws against offenders. In 1997, a Task Force on the Prevention of Child Abuse had been set up and was currently working with the National Institute of Education to draw up a programme for schoolchildren on their rights and on child abuse.

28. On its recommendation, his Government would soon be introducing a bill on the establishment of a child protection authority, which would be the first of its kind in the Asian region. The authority would be empowered to deal with the areas of strict law enforcement, counselling, therapy and rehabilitation as well as public-awareness programmes. Laws would be introduced to protect children from sexual exploitation and recruitment for military purposes by terrorist groups.

29. The protection of children from armed conflicts was an area of increasing concern to his Government. Terrorist attacks by the Liberation Tigers of Tamil Eelam had taken a heavy toll of children, some as young as 10 years of age, who had been forcibly recruited and brainwashed and used as combatants for terrorist attacks on civilians and suicide missions against the law-enforcement services. The involvement of children in armed conflicts was not inevitable but was the result of a heartless and calculated decision by terrorist groups pursuing self-serving objectives.

30. Early adoption of the draft optional protocol on the involvement of children in armed conflicts would be a significant step towards eliminating the grave injustice of plundering the world of its most precious resource, its children. His delegation welcomed the interim report by the Special Representative of the Secretary-General on the impact of armed conflict on children (E/CN.4/1998/119), and hoped that he would be able to develop tactical measures to save succeeding generations from the scourge of the kind of terrorism that bred child soldiers.

31. Mr. CHOWDHURY (Bangladesh) said that the best way to ensure and advance the long-term well-being of the child was through education, which would facilitate the child's effective participation in economic and social life. In Bangladesh, primary education was compulsory and free for boys and girls up

to the age of 10 years while education for girls was free for three more years also. Primary school enrolment had reached 92 per cent in 1995.

32. Increasing resources had been devoted to the primary health care network, including Extended Programme of Immunization (EPI) coverage in all villages, and the provision of safe water and sanitation. By 1997, more than 85 per cent of the children in Bangladesh had been brought under EPI coverage, resulting in a sharp decline in the infant mortality rate. The Government and civil society had been giving increased attention to protecting children from abandonment, neglect, economic exploitation, violence and other forms of abuse, especially urban children living in particularly difficult circumstances.

33. A new legal framework had been provided in 1995 for the prosecution of individuals for gross abuse of the rights of the child, and further stringent laws had just been introduced. Research was being conducted and information gathered on the sexual exploitation of children and child labour. The private sector had become a partner of the Government in efforts to reduce the child labour force: all 10,500 of the child labourers released from the garment industry in Bangladesh since the signing of a memorandum of understanding by the Bangladesh Garment Manufacturers and Exporters' Association had been brought into non-formal educational institutions with the provision of a stipend to compensate for their loss of earnings.

34. His delegation considered that only political will was needed to move to an agreed text for the draft optional protocol on the involvement of children in armed conflicts. It would continue to contribute to the work being done on the other draft optional protocol, that on the prevention of the sale of children, child prostitution and child pornography, with a view to finalizing a text at an early date.

35. Ms. ABU NAGMA (Sudan) said that the Sudan had been an early signatory to the Convention on the Rights of the Child and had submitted periodic reports on its compliance with the Convention prepared in consultation with all the entities representing civil society.

36. Legislation had been amended to reflect the concluding observations of the relevant treaty bodies. Article 15 of the draft constitution established State responsibility for youth welfare and article 28 granted children of different religious affiliation the right to be privately educated by their parents in accordance with their beliefs. Children under 18 years of age could not be conscripted for national or military service. Pregnant and nursing mothers were not subject to the death penalty.

37. Welfare centres under the supervision of alternative families, government agencies and NGOs had been established in many parts of the country to reunite delinquent juveniles and street children with their families. A subcommittee of the Advisory Council for Human Rights established the previous year to monitor violations of children's rights was cooperating with the United Nations Children's Fund (UNICEF) in extending assistance to street children. Charity organizations attended to the basic needs of orphan

children and made provision for adoption. Women prisoners with children were held in specially equipped rooms and received appropriate medical care and adequate food and clothing.

38. The Sudan was rated as one of the leading developing countries in the area of child immunization. Primary education was compulsory up to the eighth grade. Her Government had established a National Council for the enhancement of child medical, social and educational development and encouraged NGOs working in the field of child care.

39. Mr. MAJDI (Morocco) said that children accounted for a very large proportion of the population of Morocco and His Majesty King Hassan II took a personal interest in the promotion of children's rights and family values. He had declared 25 May to be National Children's Day and established the National Congress on Children's Rights to monitor implementation of the Convention on the Rights of the Child, raise funds for child welfare activities, establish a database on implementation of the Convention and the Plan of Action adopted at the World Summit for Children, and promote children's rights nationally, regionally and internationally.

40. Morocco had drawn up a national plan of action to address malnutrition, improve school enrolment rates, protect orphans and disabled children, reduce disparities between girls and boys, eradicate children's diseases and develop basic and preventive medicine, particularly through the development of mother and child care and family planning services.

41. It was essential to support the efforts of the working groups engaged in the elaboration of the two draft optional protocols to the Convention on the Rights of the Child so that differences could be ironed out and a generally acceptable compromise reached. Child labour, which was one of the most complex issues facing the international community, called for more vigorous international cooperation to rescue children from economic hardship and hence from the rigours of the labour market.

42. Mr. BADJI (Senegal) said that the Convention on the Rights of the Child and the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s adopted by the World Summit for Children had established an ambitious but achievable programme for the enhancement of child welfare by the year 2000. The Commission had associated itself with that programme and had set up working groups to elaborate draft optional protocols to the Convention on the involvement of children in armed conflicts and on the prevention of the sale of children, child prostitution and child pornography. His Government, which unequivocally supported all United Nations human rights mechanisms, particularly those designed to protect children at risk, was very much in favour of those activities.

43. The Constitution of Senegal made the State responsible for providing educational facilities for children. The Penal Code provided for aggravated penalties against perpetrators of offences against minors. Special assistance measures could be ordered under the Code of Criminal Procedure on behalf of child offenders or children at moral risk. Under the Family Code, the

interests of the child were given priority in divorce cases. The Prison Administration was obliged to provide special accommodation for juvenile offenders.

44. Ms. SYAHRUDDIN (Indonesia) said that poverty, economic constraints and underdevelopment were some of the root causes impeding implementation of the Convention on the Rights of the Child. Efforts to alleviate poverty must be given more emphasis and special attention must be paid to health, nutrition and education policies, the improvement of family income and the creation of employment in the developing countries.

45. Indonesia's commitment to the realization of children's rights had deep-seated cultural and religious roots. A Law on Child Welfare had been adopted in 1974 and children's interests were explicitly addressed in many other laws, statutes and regulations. Children's Day had been celebrated annually since 1984 and a Decade of Development for Children had been launched in that year. Following the ratification of the Convention on the Rights of the Child, her Government had organized special training courses for policy-makers, civil servants, teachers, the police, journalists, community leaders and the Family Welfare Movement (housewives). It had identified 12 indicators of progress in areas ranging from birth and mortality rates to nutritional intake.

46. It was important to distinguish between exploitative and beneficial forms of child labour. Children working on family farms, in family-run businesses or in after-school part-time jobs could benefit from the experience and also contribute to their families' welfare. Elimination of that type of work was counterproductive. Forms of labour which prevented children from attending schools or placed them in hazardous conditions were exploitative, but in developing countries, where work was often a matter of survival, prohibition of child labour without providing realistic solutions to the problem was of little benefit. Her Government had recently introduced the International Programme for the Elimination of Child Labour, based on a Memorandum of Understanding with the International Labour Organization (ILO).

47. A nine-year compulsory education programme for children in the 7 to 15 age group had been introduced in 1995 and a minimum target of 90 per cent school enrolment had been set for the year 2003. Her Government had launched a national foster parent movement in May 1996 to encourage the better-off sectors of the population to contribute financially to the education of underprivileged children.

48. Her delegation attached great importance to the development of a draft optional protocol on the sale of children, child prostitution and child pornography, phenomena which were associated, on the one hand, with poverty and underdevelopment in developing countries and, on the other, with the degradation of morals and family values in some developed countries. More effective preventive action must be taken at the national and international levels to prevent any further escalation of those shameful practices.

49. Mr. KAPERA (Poland) having quoted the declaration made by his authorities on ratification of the Convention on the Rights of the Child to the effect that due respect would be accorded to parental authority in

accordance with Polish customs and tradition, said that the family was the basic guarantor of children's rights and the Convention itself required States to respect the rights and duties of parents, guardians and family members. With a view to providing the best possible conditions for the establishment and proper functioning of families, the State must implement pro-family policies.

50. Difficult material circumstances which undermined natural family bonds and prevented children from receiving proper care were conducive to such social evils as alcoholism, drug abuse, the sale of children and child prostitution. The mass media also fostered hedonistic and utilitarian attitudes towards other people, including children. Children deprived of a natural family environment through the death of parents or family dysfunction should be provided with an appropriate foster environment through simplified procedures.

51. Family rights were more than the mere sum of women's and children's rights and marital rights. Individual countries should enact rules and adopt policy guidelines protecting the family as a whole and the Commission should seek to incorporate the promotion and protection of family rights in the international human rights system. His delegation intended to put forward in the near future a proposal aimed at the development of an international instrument on family rights.

52. Mrs. de SOLÁ (Argentina) said that, on ratifying the Convention on the Rights of the Child, Argentina had made a declaration that the minimum age of 15 years for taking part in hostilities stipulated in the Convention was too low and that a general prohibition on the participation of children in armed conflicts, as provided for in Argentine domestic law, would have been preferable. She deeply regretted the delay in completing work on the draft optional protocol on the involvement of children in armed conflicts and trusted that the consultations by the Chairman of the working group would achieve positive results.

53. Progress had also been slow in the negotiations on a draft optional protocol on the prevention of the sale of children, child prostitution and child pornography despite the urgent need for action by the international community. Some delegations wished to limit the definition of the crime of sale of children to sales for the purpose of "sexual exploitation". Her own delegation advocated a broader definition that would penalize the sale of children for any purpose. The problem might be resolved by making a clear distinction in the text between situations in which a child was incorporated in a family and those in which the child was subjected to violence or abuse or sexual exploitation.

54. While she agreed with the Special Representative of the Secretary-General on children in armed conflict that the value of international instruments was limited to the extent to which they were applied and that words on paper could not save children in peril (E/CN.4/1998/119), she also believed that clear-cut legal norms must be established before the international community could embark on the arduous task of implementation. In that connection, she urged those States which had not yet ratified the Convention on the Rights of the Child to do so immediately.

55. Under Argentine law, the offences of deprivation, concealment or suppression of identity and other offences related to the sale of children were subject to aggravated penalties. Crimes of abduction of minors or suppression of identity that had occurred under the military regime between 1976 and 1983 were still liable to prosecution. Searches were still being conducted for children who had disappeared during that period.

56. Argentine law criminalized violence within the family. Protection under the social welfare system extended from conception to completion of elementary education for children and from the beginning of pregnancy to the end of the nursing period for women. Argentine economic growth in recent years had led to an increase in welfare spending that had enhanced all aspects of child welfare.

57. In December 1997, the three children of an Argentine citizen had been abducted to Jordan by her husband, a Guatemalan citizen of Jordanian origin, from their home in Guatemala City. The mother, who had been granted custody of the children, had had no contact with them since. The Argentine Government, whose own efforts to reunite the children with their mother had proved fruitless, was grateful to the High Commissioner for Human Rights for using her good offices to resolve the dispute.

58. Ms. HERNÁNDEZ QUESADA (Cuba), having urged the few remaining States that had not yet done so to ratify the Convention on the Rights of the Child, said that Cuba, as a State party to the Convention, had supported the efforts of the working groups on the draft optional protocols on the involvement of children in armed conflicts and on the prevention of the sale of children, child prostitution and child pornography. It was to be hoped that their work would be completed in time for the tenth anniversary of the Convention.

59. She drew attention, however, to what might be termed "double standards of concern". While most States wished to raise the Convention age limits in the case of the draft optional protocol on the involvement of children in armed conflicts, all developed States, in the case of the other draft optional protocol, referred to the sale of children only for purposes of sexual exploitation, although article 35 of the Convention required States parties to take measures to prevent the sale of children "for any purpose or in any form". Her delegation could not support a protocol that set lower standards than the main instrument.

60. Child poverty was by no means restricted to the poorest countries. The United States of America had the worst record in the industrialized world, with 20 per cent of its children living below the poverty line.

61. Children's welfare was a prime concern of her Government and people. Although poor and under a blockade, Cuba's record was one of the best among developing countries. Every person had free access to health services, 99.9 per cent of children were born in maternity hospitals, the infant mortality rate was 7.2 per 1,000 live births, there was access to free education at every level, teachers constituted one in 42 of the population - the highest ratio in the world - and 97.7 per cent of the children between 6 and 14 attended school.

62. Such achievements were all the more satisfactory for being attained with great difficulty. Cuban children had had no access to any medicine patented in the United States of America over the past 15 years, nor could medical equipment be imported if more than 20 per cent of its components were made in that country. The blockade had had a negative impact on the lives of Cuban children.

63. Throughout the world myriads of children died of hunger, violence and other avoidable ills. Over a million had been forced into the sex market, others were sold. Millions were forced to work to live or lived in the streets. Others were killed in armed conflicts. Not one of those fates was suffered by a Cuban child.

64. Mr. Chowdhury (Bangladesh), Vice-Chairman, took the Chair.

65. Ms. RYKOVA (Russian Federation) said that her Government, which had ratified the Convention on the Rights of the Child in 1990, looked forward to the early adoption of the draft optional protocol on the involvement of children in armed conflicts. It believed that the age limit for both conscripted and voluntary service in the armed forces should be set at 18.

66. Her delegation welcomed the conclusions and recommendations of the Special Rapporteur on the sale of children, child prostitution and child pornography and urged her to continue working closely with Governments, international organizations and NGOs. The Working Group on the same topic had managed to produce a first draft of an optional protocol at its fourth session, but there was still much detailed work to be done on the basic provisions and on reconciling existing differences in national legislation. Particular care should be taken to ensure that the provisions already contained in the Convention were not weakened. In that connection, she suggested that the protocol should be termed "additional" rather than "optional", which would correspond more closely to international legal practice.

67. Her Government was endeavouring to implement the Vienna Declaration and Programme of Action. During the 1990s, over 100 pieces of legislation had been adopted favouring children. New structures had been established and existing ones expanded. Special programmes had been set up at the federal, regional and local levels to deal with issues relating to children and the family. Of particular importance in that regard were the new Civil Code (1994), the Family Code (1995), the Criminal Code (1996) and the Code of Criminal Procedure (1997).

68. The principles of the Family Code were in line with the Convention's basic principles and provisions. One chapter established the right of children to live in a family, to have freedom of expression, to have property rights, to be protected in cases of improper treatment and, in the case of those without parents, to receive special protection.

69. There were still some deficiencies in Russian legislation relating to vagrant children, while further regulation of adoption procedures was also required. The implementation of legislation, particularly new legislation in

which implementation procedures had not been fully worked out, was also sometimes deficient, a situation that was exacerbated by a shortage of resources.

70. In 1993, her Government had introduced the practice of issuing yearly reports on the situation of children. From 1995 onwards, the social and economic situation of families with children had been monitored throughout the Russian Federation. The growing understanding in Russian society of the need for independent checks on the observance of children's rights was also effective in the implementation of the Convention. To that end the Ministry of Labour had, in cooperation with UNICEF, set up a number of experimental children's rights institutes. Various models would be tested in the course of 1998 and, on the basis of the results, the most appropriate institute would be established to cover the whole of the country.

71. In Russia, as in many other countries, children's rights were adversely affected by economic difficulties, deficiencies in the education and health infrastructure and a deterioration in morals, but Russian society traditionally attached importance to the cause of children. Her delegation believed that the question was not so much legal or political as a moral and humanitarian one.

72. Mr. BAEL (Philippines), having urged the States which had not yet ratified or acceded to the Convention on the Rights of the Child to do so, said that his delegation strongly supported the initiative for a new convention to eliminate the most intolerable forms of child labour, including bonded labour, prostitution and slavery. His Government had established institutional mechanisms to uphold children's rights and promote their well-being, including the Council for the Welfare of Children and the Child Rights Center of the Philippine Commission on Human Rights.

73. His delegation looked forward to an early adoption of the draft optional protocol on the involvement of children in armed conflicts. It believed that the minimum recruitment age for armed forces should be 18. It would continue to participate in the activities of the working group on that protocol and those of the working group on the draft optional protocol on the prevention of the sale of children, child prostitution and child pornography. It also supported the extension of the mandate of the Special Rapporteur on the latter subject.

74. The transnational dimension in the trafficking and commercial sexual exploitation of children was extremely serious and his Government had therefore sought to include it in the scope of the draft convention against transnational crimes and in the Manila Declaration on Transnational Crimes adopted on 25 March 1998 by the Asia-Pacific Ministerial Meeting on Transnational Crime.

75. Ms. ALTOLAGUIRRE (Guatemala) said that everything pertaining to children was of particular interest to her country, where the average age was 17. Guatemalan domestic law had long since incorporated the provisions of the Convention on the Rights of the Child, culminating in the entry into force on 27 March 1998 of the new Children's and Young People's Code.

76. Much of the population of Guatemala, a developing country with additional problems resulting from 36 years of internal armed conflict, lived in poverty and there was a direct link between the risk factors both within and outside the family and the extent of vulnerability of children to sexual exploitation. Her Government therefore attached special importance to the draft optional protocol on the prevention of sale of children, child prostitution and child pornography and urged the working group to complete its work as soon as possible. The suggestion by the Special Rapporteur that the phrase "child prostitution" should not be used and should be replaced by "sexual exploitation" merited careful consideration.

77. Education was a basic right of the child and could be one of the best ways of eliminating child labour. Access to free education for children from poor families improved the chance of breaking the vicious circle of poverty, ignorance and vulnerability; such factors should be taken into account in the consideration of the proposed convention on the elimination of the most intolerable forms of child labour.

78. The problem of "street children" was compounded by the plight of the children born to women of the street, who knew no other home. Governments and NGOs should come together to find global and lasting solutions to the problem. In her country, the Presidential Commission on Human Rights had continued its work with other governmental and non-governmental institutions to follow up 117 complaints of human rights violations against street children in 1997.

79. Welcoming the interim report of the Special Representative of the Secretary-General (E/CN.4/1998/119) and especially its paragraphs 24 to 29, she urged all States to sign, ratify and implement the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and Their Destruction. Her delegation fully supported the Special Representative's proposals for future activities and attached the utmost importance to the speedy adoption of the draft optional protocol on the involvement of children in armed conflicts.

80. Mr. Dae Jong YOO (Republic of Korea) said that his Government had frequently condemned sexual violence, particularly when directed against children, and he was therefore happy to announce that the Punishment of Sexual Crimes and Protection of Victims Act had been revised, providing for harsher punishment and allowing the Government to prosecute even in the absence of a complaint by the victim. A special Act on the punishment of domestic violence and an Act on the prevention and protection of the victims of domestic violence had been decreed in December 1997 and would enter into force in July 1998. His Government had recently amended the Labour Standards Act, raising the minimum age and prohibiting dangerous work by persons under 18 years of age.

81. Rampant individualism and the erosion of family cohesion had resulted in the marginalization of children's best interests. Families should therefore be given the necessary support to preserve the bonds of love and compassion. A long-term strategy to protect children was required, but priority areas must first be identified. There should be greater cooperation between the various

international organizations active in children's rights and NGOs, which had done much to make Governments aware of problem areas, should be given a stronger role.

82. Mr. HIATT (United States of America) said that not all child labour was harmful and the focus of the Commission's attention should be on the exploitation of children in jobs that prevented them from attending school or subjected them to hazardous or unhealthy conditions of work. The private sector had contributed to initiatives to halt abusive child labour practices in countries where large numbers of young children were forced to work. One such was the movement to create child-labour-free labels for the carpet, footwear, sports equipment and other industries. Such labelling initiatives, the best known of which was RUGMARK, were proving increasingly successful. A corresponding effort on the part of consumers was, however, crucial.

83. Business leaders and Governments had not always understood the importance of investing in children, but the evidence was crystal clear. Children's health and education was fundamental to a nation's growth. In his own country, an organization called Business for Social Responsibility, with a membership of 1,200 companies, sponsored on-site day care for employees' children, pre-school programmes, community service, family leave, etc. There were still, however, countries where primary school education was not mandatory or enforced, even though the link between education and national development was a fundamental lesson of the late twentieth century.

84. Poverty was the reason that families often gave for sending their young children off to work. The most tragic cases, however, those of children sold into bondage or even slavery, could never be excused for any reasons and the Commission should address the practice as a priority. His country's authorities were deeply engaged in the ILO International Programme for the Elimination of Child Labour. In 1997, they had donated US$ 3 million and it was hoped that the figure could, in the future, be raised to US$ 30 million.

85. The draft optional protocol on the involvement of children in armed conflicts should be brought to closure. The debate over whether 17 or 18 was the correct age for permitting young persons to enter military service missed the essential point, namely, that young children - aged 12 or less - should be protected from forced conscription.

86. Governments and businesses, working together, had the capacity to stop violence against children and give every child a fair start in life. A wise investment in the well-being of children was the most cost-effective investment any business or nation could make.

The meeting rose at 1.05 p.m.